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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,658	08/14/2000	Richard St. Clair Bailey	MS1-577US	9652
22801	7590	01/26/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			KE, PENG	
			ART UNIT	PAPER NUMBER
			2174	

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/638,658

Applicant(s)

BAILEY ET AL.

Examiner

Peng Ke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This action is responsive to communications: Amendment, filed on 10/22/04.

Claims 1-27 are pending in this application. Claims 1,8,10,16,17, and 23 are independent claims. In the Amendment, filed on 10/22/04, claims 1, 8, 10, 16, 17, and 23 were amended.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-25, and 27 are rejected under 35 U.S.C. 102(a) as being anticipated by Leah et al. (US 5,808,601).

As per claim 1, Leah et al. teaches (amended) a method for use in a graphical user interface, the method comprising: determining an offset value between a selected object's position and an input position; and dynamically and gradually reducing the offset value by correctively adjusting the input position with respect to the object's position (fig 1, 2c, col. 6, lines 16-44).

As per claim 2, Leah et al. teaches the method as recited in Claim 1, wherein the object position includes a preferred contact area (fig 2c, item m; The examiner infers m to be the preferred contact area).

As per claim 3, Leah et al. teaches the method as recited in Claim 2, wherein the preferred contact area includes a definable point associated with an object, and the object can be selectively moved within the graphical user interface (fig. 4a, item std).

As per claim 4, Leah et al. teaches the method as recited in Claim 1, wherein the input position includes updated positioning information from a user input mechanism (col. 5, lines 17-68; It is inherent that the input position must be updated in order to figure out whether or not the object is within the boundary).

As per claim 5, Leah et al. teaches the method as recited in Claim 4, wherein dynamically and gradually reducing the offset value further includes implementing a corrective function that selectively and incrementally reduces the offset based on (fig. 1 item 8; col. 8, lines 23-39)

As per claim 6, Leah et al. teaches the method as recited in Claim 4, wherein implementing the corrective function that selectively and incrementally reduces the offset based on the updated positioning information is further selectively implemented based upon differences between the updated positioning information with respect to previous positioning information (col. 5, lines 17-68; It is inherent that the input position must be updated in order to figure out whether or not the object is within the boundary).

As per claim 7, Leah et al. teaches the method as recited in Claim 5, wherein the corrective function includes a linear corrective factor (Fig 1, item 8; The examiner infers x to the linear factor).

As per claim 8, Leah et al. teaches a method for use in a graphical user interface, the method comprising determining an offset value between an object's position and an input

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position, wherein the input position includes updated positioning information from a user input mechanism (fig 1, 2c, col. 6, lines 16-44) ; and

dynamically and gradually reducing the offset value by implementing a corrective function including a linear corrective factor that selectively and incrementally reduces the offset based on the (col. 5, lines 17-68; It is inherent that the input position must be updated in order to figure out whether or not the object is within the boundary), updated positioning information such that the linear corrective factor reduces the offset by at least one pixel for every four pixels in the updated positioning information (It is inherent that when the virtual pointer is being shifted from the boundary to the center of the center of the object the shift would be at least one pixel for every four pixels, because every pixel of the pointer is shifted).

As per claim 9, Leah et al. teaches the method as recited in Claim 1, further comprising graphically displaying the object within a graphical user interface (col. 2, lines 13-28).

As per claim 10, it is rejected with the same rationale as claim 1. (see rejection above).

As per claim 11, which is dependent on claim 10, it is of the same scope as claim 2 (see rejection above).

As per claim 12, which is dependent on claim 11, it is of the same scope as claim 3 (see rejection above).

As per claim 13, which is dependent on claim 10, it is of the same scope as claim 4 (see rejection above).

As per claim 14, which is dependent on claim 13, it is of the same scope as claim 5 (see rejection above).

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As per claim 15, which is dependent on claim 14, it is of the same scope as claim 7 (see rejection above).

As per claim 16, it is rejected with the same rationale as claim 8. (see rejection above)

As per claim 17, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 18, which is dependent on claim 17, it is of the same scope as claim 2 (see rejection above).

As per claim 19, which is dependent on claim 18, it is of the same scope as claim 3 (see rejection above).

As per claim 20, which is dependent on claim 17, it is of the same scope as claim 4 (see rejection above).

As per claim 21, which is dependent on claim 20, it is of the same scope as claim 5 (see rejection above).

As per claim 22, which is dependent on claim 21, it is of the same scope as claim 7 (see rejection above).

As per claim 23, it is rejected with the same rationale as claim 8. (see rejection above)

As per claim 24, Leah et al. teaches the apparatus as recited in Claim 20, wherein the input device includes a pointing device (col.6, lines 35-40).

As per claim 25, Leah et al. teaches the apparatus as recited in Claim 24, wherein the pointing device includes a mouse (col.6, lines 35-40).

As per claim 27, Leah et al. teaches the apparatus as recited in claim 17, wherein the logic is operatively configured within a computer (col. 8, lines 23-39).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leah et al. (US 5,808,601) in view of Shieh (US 5,870,083).

As per claim 26, which is dependent on claim 20. Leah et al. teaches the apparatus as recited in Claim 20. However Leah et al. doesn't teach the apparatus wherein the input device includes a touch screen device. Shieh teaches an apparatus wherein the input device includes a touch screen device (col 4, line 26). It would have been obvious to an artisan at the time of the invention to include Shieh teaching with Leah et al.'s apparatus in order to allow the users to operate with their finger or a pointing device with out the inconvenience of installing a mouse.

### ***Response to Argument***

Applicant's arguments filed on 2/12/04 have been fully considered but they are not persuasive.

Applicant argues Leah et. al. fails to teach that dynamically and gradually reducing the offset value.

Examiner disagrees. During patent examination, the pending claims must be "given \*>their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). < Applicant always has the

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opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969)


In this case, Leah et al. teaches a offset value that is between the position of a cursor (item 4) and the position of the effected area of the gravitational force (fig. 2a-2c), and this position can dynamically and gradually reduced by the user with the movement of the mouse. (fig. 2a-2c)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke



SY D. LUU  
PRIMARY EXAMINER